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03-18-02

PTO/SB/05 (03-01)
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03/15/02

PC950 U.S. PTO

UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.		4498C1
First Inventor		Christian A. Heid
Title	EXTERNAL CONTROL REAGENTS FOR NUCLEIC ACID AMPLIFICATION	
Express Mail Label No.	EL 897 622 435 US	

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original, and a duplicate for fee processing)	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.	8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
3. <input checked="" type="checkbox"/> Specification [Total Pages <u>32</u>] (preferred arrangement set forth below)	a. <input checked="" type="checkbox"/> Request to use Computer Readable Copy (CRF) from parent application
- Descriptive title of the Invention	b. Specification Sequence Listing on:
- Cross References to Related Applications	i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or
- Statement Regarding Fed sponsored R & D	ii. <input checked="" type="checkbox"/> paper
- Reference to sequence listing, a table, or a computer program listing appendix	c. <input checked="" type="checkbox"/> Statement verifying identity of above copies
- Background of the Invention	
- Brief Summary of the Invention	
- Brief Description of the Drawings (if filed)	
- Detailed Description	
- Claim(s)	
- Abstract of the Disclosure	
4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>8</u>]	
5. Oath or Declaration [Total Pages <u>3</u>]	
a. <input type="checkbox"/> Newly executed (original or copy)	
b. <input checked="" type="checkbox"/> Copy from a prior application (37 C.F.R. § 1.63(d)) (for continuation/divisional with Box 18 completed)	
i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).	
6. <input checked="" type="checkbox"/> Application Data Sheet. See 37 CFR 1.76.	

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☐ Power of Attorney
(when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS Citations
Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
15. ☐ Certified copy of Priority Document(s) (if foreign priority is claimed)
16. ☐ Certified Nonpublication Request under 35 U.S.C. 122
(b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☐ Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No. 09/645,959 filed August 24, 2000

Prior application information:

Examiner: Tung, J.


Group Art Unit: 1656

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

☒ Customer Number or Bar Code Label  or ☐ Correspondence address below
22896
(Insert Customer No. or Attach bar code label here)


Name	Alex Andrus				
Address	Applied Biosystems				
	850 Lincoln Centre Drive				
City	Foster City	State	California	Zip Code	94404
Country	US	Telephone	650-570-6667	Fax	650-638-6677

Name (Print/Type)	Alex Andrus	Registration No. (Attorney/Agent)	44,509
Signature		Date	March 14, 2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231. 30732_1

<h1 style="margin: 0;">FEE TRANSMITTAL</h1> <h2 style="margin: 0;">for FY 2002</h2> <p style="margin: 5px 0;"><i>Patent fees are subject to annual revision.</i></p>		Complete if Known	
		Application Number	To be assigned
		Filing Date	March 15, 2002 (herewith)
		First Named Inventor	Christian A. Heid et al.
		Examiner Name	Tung, J.
		Group Art Unit	1656
		Attorney Docket No.	4498C1
TOTAL AMOUNT OF PAYMENT		(\$) 938.00	

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																								
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to:</p> <p>Deposit Account Number 01-2213</p> <p>Deposit Account Name Applied Biosystems</p> <p><input checked="" type="checkbox"/> Charge any Additional Fee Required Under 37 CFR 1.16 and 1.17</p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>2. <input type="checkbox"/> Payment Enclosed: <input type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money <input type="checkbox"/> Other Order</p>	<p>3. ADDITIONAL FEES</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4">Large Entity Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> <th>Fee Code (\$)</th> </tr> </thead> <tbody> <tr> <td>105</td> <td>130</td> <td>205</td> <td>65</td> <td>Surcharge - late filing fee or oath</td> <td></td> </tr> <tr> <td>127</td> <td>50</td> <td>227</td> <td>25</td> <td>Surcharge - late provisional filing fee or cover sheet.</td> <td></td> </tr> <tr> <td>139</td> <td>130</td> <td>139</td> <td>130</td> <td>Non-English specification</td> <td></td> </tr> <tr> <td>147</td> <td>2520</td> <td>147</td> <td>2520</td> <td>For filing a request for <i>ex parte</i> reexamination</td> <td></td> </tr> <tr> <td>112</td> <td>920*</td> <td>112</td> <td>920*</td> <td>Requesting publication of SIR prior to Examiner action</td> <td></td> </tr> <tr> <td>113</td> <td>1840*</td> <td>113</td> <td>1840*</td> <td>Requesting publication of SIR after Examiner action</td> <td></td> </tr> <tr> <td>115</td> <td>110</td> <td>215</td> <td>55</td> <td>Extension for reply within first month</td> <td></td> </tr> <tr> <td>116</td> <td>400</td> <td>216</td> <td>200</td> <td>Extension for reply within second month</td> <td></td> </tr> <tr> <td>117</td> <td>920</td> <td>217</td> <td>460</td> <td>Extension for reply within third month</td> <td></td> </tr> <tr> <td>118</td> <td>1440</td> <td>218</td> <td>720</td> <td>Extension for reply within fourth month</td> <td></td> </tr> <tr> <td>128</td> <td>1960</td> <td>228</td> <td>980</td> <td>Extension for reply within fifth month</td> <td></td> </tr> <tr> <td>119</td> <td>320</td> <td>219</td> <td>160</td> <td>Notice of Appeal</td> <td></td> </tr> <tr> <td>120</td> <td>320</td> <td>220</td> <td>160</td> <td>Filing a brief in support of an appeal</td> <td></td> </tr> <tr> <td>121</td> <td>280</td> <td>221</td> <td>140</td> <td>Request for oral hearing</td> <td></td> </tr> <tr> <td>138</td> <td>1510</td> <td>138</td> <td>1510</td> <td>Petition to institute a public use proceeding</td> <td></td> </tr> <tr> <td>140</td> <td>110</td> <td>240</td> <td>55</td> <td>Petition to revive - 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SUBMITTED BY				Complete (if applicable)	
Name (Print/Type)	Alex Andrus	Registration No. (Attorney/Agent)	44,509	Telephone	650-638-5607
Signature		Date	March 14, 2002		

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CERTIFICATION UNDER 37 CFR 1.10

Express Mail Number: EL 897 622 435 US

Date of Deposit: March 15, 2002

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Assistant Commissioner for Patents, Box: Patent Application, Washington, D.C. 20231.

Cheri Gomez
(Print Name of Person Mailing Application)

Cheri Gomez
(Signature of Person Mailing Application)

Docket No. 4498C1

**Transmittal of Continuation Patent Application
For Filing Under 37 CFR 1.53(b)**

PRIOR APPLICATION: Examiner: Tung, J. Art Unit: 1656

Assistant Commissioner for Patents
Box: Patent Application
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(b), of pending prior application serial no. 09/645,959 filed on August 24, 2000 by Christian A. Heid and Kenneth J. Livak entitled:

External Control Reagents for Nucleic Acid Amplification

1. Enclosed are:

- ☒ One stamped, self-addressed postcard for PTO datestamp.
- ☒ Certificate of Express Mail.
- ☒ One utility patent application containing text pages 1 - 32 and
 - ☒ 8 sheets of ☒ formal ☐ informal drawings.
- ☒ Application Data Sheet.
- ☒ Copy of executed Declaration of Inventorship from parent application serial no. 09/645,959.
- ☐ Sequence Listing printout, Request to Use from prior application, and matching Declaration.
- ☐ A Preliminary Amendment.
- ☐ A new Power of Attorney.

2. Amendment

- ☐ Please enter the enclosed Preliminary Amendment before calculating the filing fee. It is understood that only amendments reducing the number of claims will be entered for this purpose.
- ☐ Please cancel original claims _____, inclusive, before calculating the filing fee. (At least one original independent claim should be retained for filing purposes.)
- ☒ Amend the specification by inserting before the first line the sentence: -- This application is a continuation of application serial no. 09/645,959 filed August 24, 2000, now pending, which is incorporated herein by reference. --

3. Extension of Time

- ☐ A petition for extension of time has been filed in the parent to extend the pendency of the parent to _____ (copy enclosed).

10099738-034500

- ☒ **Conditional Petition for Extension of Time:** An Extension of Time is requested to provide for timely filing *if* required to establish copendency with the parent after all papers filed herewith have been considered.

4. **Prior Documents Still in Effect**

- ☒ This application and parent application Serial No. 09/645,959 filed August 24, 2000 are assigned of record to PE Corporation (NY).
- ☒ Power of attorney in the above-identified prior application is to Alex Andrus, Ph.D., Reg. No. 44,509, and the other attorneys or agents identified therein.

5. **Fees**

The filing fee is calculated below taking into account any amendments in section 2 above:

FOR	NUMBER FILED	NUMBER EXTRA	RATE	FEE
TOTAL CLAIMS	31 - 20	11	X \$18	\$198.00
INDEPENDENT CLAIMS	1 - 3	0	X \$84	\$ 0.00
	BASIC FEE			\$740.00
	Multiple Dependency Fee If Applicable \$280.00			
	Total			
	50% Reduction for Independent Inventor, Non-profit Organization or Small Business Concern			
	TOTAL FILING FEE			\$938.00

- ☒ The Commissioner is hereby authorized to charge the filing fee, any deficiency in fees under 37 CFR 1.16 and 1.17, or any other fees necessary for timely filing of this application, or credit any overpayment to Deposit Account No. 01-2213. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$ _____ is enclosed.
- ☐ Filing fee to be submitted in response to anticipated receipt of Notice to File Missing Parts.
DO NOT CHARGE DEPOSIT ACCOUNT.

Respectfully submitted,



Alex Andrus, Reg. No. 44,509

Dated: March 14, 2002

Correspondence Address:

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